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DEC 13 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Philippe J. Goix
Appn. No.: 09/844,080

Filing Date: April 26, 2001

Examiner: GABEL, G.

Title: PARTICLE OR CELL ANALYZER
AND METHOD

Group Art Unit: 1641

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAIL (37 CFR 1.8(a))
I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 10, 2004.

Signed:

Lori Cox

**NOTICE OF APPEAL FROM THE EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Dear Sir:

Applicant hereby appeals to the Board of Appeals from the Final Office Action mailed July 14, 2004 rejecting Claims 1, 3-8, 10, 11, and 34-37 in this application.

Please charge the requisite fee of \$250.00 and \$225.00 for a two (2) month extension of time or other any additional fees or credit any overpayment to our Deposit Account No. 50-2319 (Order No. A-69516/AJT (463032-23)).

Respectfully submitted,

DORSEY & WHITNEY LLP

By:

Aldo J. Test, Reg. No. 18,048

Date: December 10, 2004

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01 FC:2401 250.00 OP
02 FC:2252 225.00 OP